IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20701 of 2007

Dated: October 4, 2007

Between:

V. Srinivas Rao, S/o. V. Rajeshwar Rao,
Aged about 44 years, Occ: Business,
R/o.60/M2/3RT, S.R. Nagar, Hyderabad.

… Petitioner

And

The Government of Andhra Pradesh, rep. by its
Secretary to Government, Revenue Department,
Secretariat Building, Saifabad, Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of respondents in not accepting and registering sale deed presented for registration in respect of land covered by Sy.No.5/3, Rayadurg, Phanmaqtha village, Serilingampally Mandal, Ranga Reddy District as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned

Government Pleader for Revenue appearing on behalf of respondents.

3. In the affidavit filed in support of the writ petition, it is stated that one Smt. P. Manjulatha is the absolute owner and possessor of land admeasuring 833 Sq. yards in the aforesaid survey number and village and petitioner has purchased the said land from her. It is the case of the petitioner that when sale deed was presented for registration, Sub-Registrar, Moosapet, sixth respondent herein, has refused to receive and register the same on the ground that a case in L.G.C.No.13 of 2004 is pending on the file of the Special Court for Land Grabbing Cases with regard to the said land. Petitioner's grievance is that in the absence of any orders prohibiting alienation, sale deed presented by him for registration cannot be refused on the ground that a case is pending before the Special Court.

4. It is brought to the notice of this court that Government has moved an application in I.A.No.353 of 2004 in L.G.C.No.13 of 2004 seeking injunction restraining the respondents therein from alienating the property and the same has been closed with an observation that any alienation done with regard to the suit schedule property or construction therein will be subject to result of the main case.

5. A copy of the order dated 18-03-2006, passed by this court in W.P.No.5348 of 2006, with regard to the same survey number as that of in this writ petition, has been filed along with the material papers, wherein the documents presented for registration were directed to be received and processed in accordance with law.

6. In the circumstances, the writ petition is disposed of directing the respondents to receive the documents proposed to be presented by the petitioner in respect of land admeasuring 833

Sq. yards covered by Sy.No.5/3, Rayadurg, Phanmaqtha village, Serilingampally Mandal, Ranga Reddy District and consider the same for registration without rejecting it on the ground that L.G.C.No.13 of 2004 is pending on the file of the Special Court for Land Grabbing Cases, subject to compliance of all other requirements as contemplated under the Indian Stamp Act, 1899 and Registration Act, 1908. It is clarified that transaction made with regard to the land in question will be subject to the outcome of L.G.C.No.13 of 2004 pending on the file of the Special Court. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

October 4, 2007
MRR